

Attorney's Docket No.: 10767-003001
Client's Ref. No.: 870-F 51299-La/

OFFICIAL COMMUNICATION
FACSIMILE
FOR THE PERSONAL ATTENTION OF:
EXAMINER C. COOLEY
U.S. PATENT AND TRADEMARK OFFICE (PATENT)
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

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GROUP 1723 FAX NO: (703) 872-9306

Number of pages including this page 3

Applicant : Michel Lesimple
Serial No. : 09/648,588
Filed : August 25, 2000

Art Unit : 1723
Examiner : C. Cooley

FACSIMILE COMMUNICATION

Title : Driving Head For Stirrer Cans


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is a Request for Reconsideration of Nonentry of Reply faxed this 18th day of March, 2004, to Group 1723, the United States Patent and Trademark Office.

Respectfully submitted,

Date: March 18, 2004

 REG. NO. 25,759
Gilbert H. Hennessey
Reg. No. 25,759

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Michel Lesimple

Art Unit : 1723

Serial No. : 09/648,588

Examiner : C. Cooley

Filed : August 25, 2000

Title : DRIVING HEAD FOR STIRRER CANS

MAR 18 2004
OFFICIAL**MAIL STOP REISSUE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
NONENTRY OF REPLY


Per phone interview with Examiner Cooley on March 18, 2004, applicant requests reconsideration and withdrawal of the Advisory Action mailed October 20, 2003. In that Action, the Examiner refused entry of the applicant's Reply filed September 12, 2003, on the grounds that the papers failed to comply with the new amendment procedure set forth in 37 C.F.R. 1.121. Rule 1.121 in fact expressly exempts reissue amendments and defers in Rule 1.121(h) to the reissue-specific Rule 1.173, which does not require the new amendment protocol. Instead, Rule 1.173 requires setting forth a listing of the amended claim or claims, underlined if new to the patent, together with an explanation of the status of all of the claims in the reissue application. Since the Reply and amendment to claim 51 specifically requested by the Examiner, as timely filed on September 12, 2003, fully complied with the requirements of Rule 1.173, the grounds for nonentry of the Reply were respectfully inapplicable. Given that the Reply was improperly denied entry based on the then current directions from the Examining Group, which turned out to be incorrect, applicant submits that no extension fees should apply to this Request for

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below

March 18, 2004

Date of Deposit


Signature

Pamela M. DeThomas

Typed or Printed Name of Person Signing Certificate

Applicant : Michel Lesimple
Serial No. : 09/648,583
Filed : August 25, 2000
Page : 2 of 2

Attorney's Docket No.: 10767-003001 / 870-F 51299

La/

Reconsideration. Applicant has already regrettably incurred the cost of a notice of appeal, which would have been obviated by proper entry of the Reply.


Examiner Cooley in the aforementioned phone interview kindly indicated that he would be inclined to withdraw the Advisory Action and enter the Reply without requiring payment of extension fees, subject to further review of the matter.

In view of the foregoing, applicant requests withdrawal of the Advisory Action mailed October 20, 2003, entry and approval of the reissue oath, the Statement regarding loss of Original Letters Patent and the formal drawings, as well as the amendment to claim 51 all accompanying the subject Reply filed September 12, 2003, and reconsideration of the claims in view of the outstanding Information Disclosure Statements filed January 13 and September 12 and 26, 2003, followed by allowance and reissuance.

Please apply any charges or credits that may be applicable to Deposit Account No. 06-1050 referencing Attorney Docket No. 10767-003001.

Respectfully submitted,

Date: 03/18/2004

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